

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

(ROANOKE DIVISION)

THE UNITED STATES OF AMERICA; THE
STATE OF ALABAMA, EX REL. LUTHER
STRANGE, in his official capacity as the
Attorney General of Alabama; ALABAMA
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT; THE COMMONWEALTH
OF KENTUCKY, ENERGY AND
ENVIRONMENT CABINET; THE STATE
OF TENNESSEE, EX REL. HERBERT H.
SLATERY III, in his official capacity as the
Attorney General and Reporter of Tennessee;
and THE COMMONWEALTH OF
VIRGINIA,

Plaintiffs,

v.

SOUTHERN COAL CORPORATION;
JUSTICE COAL OF ALABAMA, LLC;
A & G COAL CORPORATION; FOUR
STAR RESOURCES LLC; INFINITY
ENERGY, INC.; KENTUCKY FUEL
CORPORATION; SEQUOIA ENERGY, LLC;
VIRGINIA FUEL CORPORATION;
NATIONAL COAL, LLC; PREMIUM COAL
COMPANY, INCORPORATED; S AND H
MINING INC.; AIRWAY RESOURCES,
L.L.C.; BADEN RECLAMATION
COMPANY; BLACK RIVER COAL, LLC;
CHESTNUT LAND HOLDINGS, LLC;
MEG-LYNN LAND COMPANY, INC.; NINE
MILE MINING, INC.; CANE PATCH
MINING CO., INC.; BLUESTONE
RESOURCES INC.; DYNAMIC ENERGY,
INC.; GREENTHORN, LLC; JUSTICE
HIGHWALL MINING, INC.; NATIONAL
RESOURCES, INC.; NUFAC MINING
COMPANY, INC.; PAY CAR MINING, INC.;
SECOND STERLING CORP.; AND
NEWGATE DEVELOPMENT OF BECKLEY
LLC

Defendants.

Civil Action No. 7:16-cv-00462-GEC

NOTICE OF LODGING OF
CONSENT DECREE

The United States hereby gives notice of lodging of a proposed Consent Decree in the above-captioned action. The attached proposed Consent Decree will resolve all claims alleged by the United States against the Defendants in the Complaint in this action, filed simultaneously with this Notice of Lodging.

The United States respectfully requests that the Court not sign the proposed Consent Decree at this time. Instead, consistent with Department of Justice policy, 28 C.F.R. § 50.7, the United States will publish in the Federal Register a notice that the proposed Consent Decree has been lodged with the Court. The Notice will solicit public comment for a period of 30 days. During the comment period, no action is required by the Court. If, after review and evaluation of any comments received, the United States continues to believe that the Consent Decree is fair, reasonable, and in the public interest, it will move the Court to enter the Consent Decree.

Respectfully submitted,

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United States Department of Justice

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2016, I served a true and correct copy of the foregoing Notice of Lodging of Consent Decree and a copy of the Consent Decree by e-mail and U.S. mail to:

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